

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

SEP 29 2010

JAMES WILLIAM LOVELACE,

Petitioner,

v.

BRUCE HOWARD, Warden,

Respondent.

WILLIAM E. GRUTHRIE
Clerk, U.S. District Court

By _____
Deputy Clerk

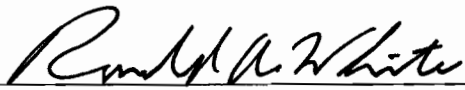
No. CIV 07-224-RAW-KEW

ORDER AND OPINION
DENYING CERTIFICATE OF APPEALABILITY

Petitioner has filed a notice of intent to appeal the court's order entered September 17, 2010, affirming and adopting the Magistrate Judge's Report and Recommendation and denying petitioner's petition for a writ of habeas corpus. After a careful review of the record, the court concludes petitioner has failed to make a "substantial showing of the denial of a constitutional right," as required by 28 U.S.C. § 2253(c)(2). The court further finds petitioner has not shown "at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

ACCORDINGLY, petitioner is denied a certificate of appealability.

IT IS SO ORDERED this 29th day of September, 2010.


RONALD A. WHITE
UNITED STATES DISTRICT JUDGE